

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

TIMOTHY D. WRIGHT,	:	Case No. 3:02-cv-63
	:	
Petitioner,	:	Judge Thomas M. Rose
	:	
v.	:	
	:	
HARRY RUSSELL, Warden,	:	
Lebanon Correctional Institution,	:	
	:	
Respondent.	:	

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**ENTRY AND ORDER OVERRULING OBJECTIONS (DOC. 60), ADOPTING  
REPORT AND RECOMMENDATIONS (DOC. 58), DENYING PETITIONER’S  
MOTION TO REOPEN JUDGMENT (DOC. 56)**

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This case is before the Court on the Objections (Doc. 60) filed by Petitioner Timothy D. Wright (“Petitioner”) to the Magistrate Judge’s Report and Recommendations (Doc. 58), which recommended that Petitioner’s Motion to Reopen Judgment (Doc. 56) be denied as barred by the statute of limitations. As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Petitioner’s Objections (Doc. 60) to the Report and Recommendations (Doc. 58) are not well-taken and they are hereby **OVERRULED**. The Court **ADOPTS** the Report and Recommendations (Doc. 58) in its entirety and **DENIES** Petitioner’s Motion to Reopen Judgment (Doc. 56). Because reasonable jurists would not disagree with this conclusion, the Court also denies any requested certificate of appealability and hereby certifies to

the United States Court of Appeals for the Sixth Circuit that any appeal would be objectively frivolous and should not be permitted to proceed *in forma pauperis*. This case shall remain terminated on the docket of this Court.

**DONE and ORDERED** in Dayton, Ohio, this Tuesday, August 29, 2017.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE